

## MEMORANDUM

GOE  
Agenda Item No. 3D

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**TO:** Honorable Chairman Bruno A. Barreiro  
And Members, Board of County Commissioners

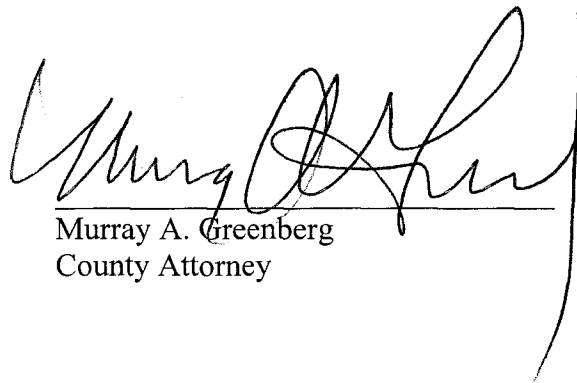
**DATE:** March 13, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance Amending  
Section 15-5 of the  
Code of Miami-Dade  
County Pertaining to  
Solid Waste Disposal

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The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.



Murray A. Greenberg  
County Attorney

MAG/dc



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** February 6, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 4(G)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

# Memorandum



**Date:**

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance amending Section 15-5 of the Code of Miami-Dade County, Florida  
pertaining to Solid Waste Disposal

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The ordinance amending Section 15-5 of the Code of Miami-Dade County pertaining to Solid Waste disposal is estimated to have a fiscal impact of \$15,000 in printing costs. While not required by the ordinance, the Department will provide courtesy notices informing property owners of the bulky waste pickup performed by the Department.

A handwritten signature in black ink, appearing to read "Roger Carlton", written over a horizontal line.

Roger Carlton  
Assistant County Manager

fiscal00206

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4 (G)

02-06-07

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 15-5 OF THE CODE OF  
MIAMI-DADE COUNTY, FLORIDA PERTAINING TO SOLID  
WASTE DISPOSAL; PROVIDING SEVERABILITY,  
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 15-5 of the Code of Miami-Dade County, Florida, is hereby  
amended to read as follows:<sup>1</sup>

**Sec. 15-5. Duty to dispose of solid waste and prevent  
accumulations.**

(a) *Prohibited acts.* It shall be unlawful for the owner, manager, occupant, lessee, or other person responsible for any lot, parcel or tract of land in any unincorporated area of the County, to deposit, store, keep, or maintain, or let, allow, cause, permit or suffer to be deposited, stored, kept or maintained, solid waste which is not containerized, upon such property, or adjoining right-of-way, easements or alleys except as specifically authorized in this chapter. All solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days no later than 7:00 a.m. and shall be removed on the day of collection. Yard trash or vegetative food waste which is being maintained for the purpose of composting may be kept uncontainerized on any lot, parcel or tract of land in the unincorporated area of the county, provided that the yard trash or vegetative food waste is not located on any right-of-way, alley or front yard area.

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(b) *Presumption.* There shall be a rebuttable presumption that solid waste that has been left, placed, deposited or discovered upon or adjacent to any property within the service area of the Department, including any right of way, has been placed for the specific purpose of collection and disposal by the Department. The Department is authorized to consider such placement as a request by the property owner upon which or adjacent to which the solid waste has been placed to remove said solid waste. The Department shall treat such placement as a request for removal of the solid waste and such removal shall be charged or credited in accordance with the administrative order, then in effect, promulgated in accordance with Sec. 15-13 and or Sec. 15-14 of this Chapter.<<

[[ (b) ]]>>(c) << *Enforcement.* Failure to comply with the provisions of this section shall constitute a violation of this chapter. Whenever it is evident that there is a violation of this section, the enforcement officer shall do one (1) or more of the following:

(1) Serve a notice of violation, in a form prescribed by the Director and approved by the Board of Miami-Dade County Commissioners, upon the owner, manager, occupant, resident, lessee or other responsible person by personal service, by certified mail or by posting a copy in a conspicuous place on the premises on which the violation exists. The notice shall specify a reasonable time, not to exceed fourteen (14) days, in which the violation shall be rectified or stopped, commensurate with the circumstances. In the event said notice is not complied with in the specified time, the enforcement officer shall proceed with the issuance of a uniform civil violation notice or direct removal as outlined below.

(2) Cause a uniform civil violation notice to be issued, in a form prescribed by the Director and approved by the Board of Miami-Dade County Commissioners, upon the owner, manager, occupant, resident, lessee or other responsible person as prescribed in Section 8CC-3, Code of Miami-Dade County, Florida, as may be amended from time to time. This uniform civil violation notice may be issued each day until the violation is rectified.

(3) Direct the Department of Solid Waste Management to remove the violation and charge the property owner for a special collection service in accordance with Section 15-14 of this chapter.

[[~~(e)~~]]>>(d)<<*Prima facie evidence*. In any prosecution charging a violation of a provision of this chapter, proof that the solid waste offense described in the complaint occurred on the property, including adjoining right-of-way, identified by the address thereon, together with proof that the owner, manager, occupant, resident, lessee or other responsible person identified in the complaint was notified of the violation as prescribed in this chapter, shall constitute in evidence a rebuttable presumption that such person was responsible for the violation.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:

Thomas Robertson

Sponsored by Senator Javier D. Souto